

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINDA BAGOZZI,

Plaintiff,

No. 23-10286

v.

Honorable Nancy G. Edmunds

COMMUNITY OUTREACH FOR
PSYCHIATRIC EMERGENCIES, *et al.*,

Defendants.

_____ /

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff Linda Bagozzi brings this lawsuit as the personal representative of the estate of Paul Bagozzi, who died in 2018. Mr. Bagozzi was confined at the Community Outreach for Psychiatric Emergencies (COPE), which is owned and operated by Hegira Health, Inc., prior to his death. Plaintiff brings constitutional and state law claims against COPE and Hegira Health as well as five of their employees at the time who allegedly assaulted Mr. Bagozzi. Plaintiff also brings state law claims for negligence against two nurses, Marjorie G. Frank, RN, and Erma J. Owens, RN, who were involved in his care.

Because the parties in this matter are non-diverse, the Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994). Thus, pursuant to § 1367(c), the state law claims in Plaintiff's complaint, including the eighth, ninth, and tenth causes of action as well as her state claims of assault and battery, are hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiff's

federal claims only. Because the only claims against Frank and Owens are state law claims, those defendants are DISMISSED WITHOUT PREJUDICE from this action.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: April 7, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 7, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager